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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/912,557

07/26/2001

Craig Krueger

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02/24/2006

BLANK ROME LLP

600 NEW HAMPSHIRE AVENUE, N.W.

WASHINGTON, DC 20037

EXAMINER

HARBECK, TIMOTHY M

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 09/912,557             |  | KRUEGER ET AL.      |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Timothy M. Harbeck     |  | 3628                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/26/2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/30/2001</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are illegible and rudimentary. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Furthermore, the drawings are objected to under 37 CFR 1.83(a) because they fail to show any reference numerals associated with the invention as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the

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remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaen (US 2001/0034697 A1) in view of Do (US 2002/0007338 A1).

**Re Claim 1:** Kaen discloses a system for providing real time tracking of live events occurring at a local site and live events of participants connected to a network comprising:

- A local management server for communicating with the participant network in real time, the local management server receiving the local site live events and transmitting information regarding the local site live events to the participants and for receiving information regarding the participants live events (Page 1, paragraph 0007-0008; Page 2, 0013-0014; 0024)

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Kaen does not explicitly disclose wherein the participants are connected via a wireless network, however the use of wireless networks was notoriously well known in the art at the time of invention and would have been obvious to anyone of ordinary skill in the art. Wireless networks allow users to communicate with other sources while not being restricted to a particular location. This allows people to have network access while away from their host network which is much more efficient.

Kaen also does not explicitly disclose the step of

- A time stamp communicating with said local management server and associating a time with the information received regarding the wireless participants live events

Kaen does disclose that bids can be submitted in real time such that the auctioneer can allow the bid to compete directly with bids being proffered from the bidding crowd (page 3, paragraph 0032), but does not explicitly disclose the time stamp feature. Do discloses a bid management system wherein a bidding engine monitors the entry of new bids including providing a time stamp (page 7, paragraph 0077). It would have been obvious to anyone skilled in the ordinary art at the time of invention to modify the system of Kaen to include the time stamp teaching of Do, to allow the auctioneer to better track the bidding process and provide more information to the users in the archive proceedings that Kaen discloses (page 3, paragraph 0033). If a time stamp is submitted with each bid, the users accessing the archive can a more complete version of the bidding history that can help settle possible disputes over a particular auction.

**Re Claim 2:** Kaen in view of Do discloses the claimed system supra and Kaen further discloses wherein the local management server is located at the local site (Page 2, paragraph 0022 “processing system at an auction house.” This could easily occur if the camera feed is of the live auction on site)

**Re Claim 3:** Kaen in view of Do discloses the claimed system supra and Kaen further discloses wherein the local management system server is located remote from the local site (See Fig 1; the local management server in this case is separate from the auction host).

**Re Claims 4-5:** Kaen in view of Do discloses the claimed system supra but the references do not explicitly disclose the step wherein the wireless participants are either located at the local site or remote from the local site. However, as was disclosed in the previous rejection of claim 1, wireless devices that perform the same functions as hard wired devices were notoriously well known in the art at the time of invention. These devices are designed to provide the users with the advantage of accessing the network from a variety of different locations, not just, for example, their office. It therefore would have been obvious that the users of a wireless device could feasibly be anywhere in which their device receives the network, which would include any place remote from the site, or the physical site itself. The user would simply sit at the physical auction and use the wireless device as if they were at a remote location.

**Re Claim 6:** Kaen in view of Do discloses the claimed system supra and Kaen further discloses wherein the local site comprises a live auction (Page 1, paragraph 0007).

**Re Claim 7:** Kaen in view of Do discloses the claimed system supra and Do further discloses wherein the time stamp further associates a time with the local site live events (Page 7, paragraph 0077). Do discloses a time stamp with relation to the time of a bid placed in an auction, which is the local site live event.

**Re Claim 8:** Kaen in view of Do discloses the claimed system supra and Kaen further discloses wherein said local management server transmitting the received wireless participant live events to the local site (Page 3, paragraph 0032). The user is able to transmit a bid in real time to the auctioneer (local site).

**Re Claim 9:** Kaen in view of Do discloses the claimed system supra and Kaen further discloses wherein the local site live events comprise wireless participant live events. When the wireless participant submits a bid to the auctioneer it is competing directly with the bidding crowd (page 3, paragraph 0032). This means that if a participant submits the high bid to the local site, the live event will show this as the high bid, or in other words the live events at the local site will be comprised of the wireless participant live events.

**Re Claim 10:** Kaen in view of Do discloses the claimed system supra and Kaen further discloses wherein the wireless participant can cause a local site live event. Again if the wireless participant submits a high bid, this will cause the local site to broadcast a high bid change. Furthermore it could potentially cause further bidding at the live site, if a present participant would like to submit a higher bid.

**Re Claim 11:** Kaen in view of Do discloses the claimed system supra and Kaen further discloses a wireless device having a touch tone, digital key depression or voice

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command recognition, wherein the wireless participant can cause a local site live event through touch tone, digital key depression or voice command of said wireless device (Page 3, 0031). Kaen discloses a user interactive mechanism that allows a bidder to participate in the live auction. Submission of a bid will cause a local site live event, such as a change in the high bid.

**Re Claim 12:** Kaen in view of Do discloses the claimed system supra and Kaen further discloses wherein the local management server receives wireless participant live events as touch tone, digital key depression or voice command (Page 3, paragraph 0032). If a bid can be transmitted from a user to the local site then it would be inherent that the local management server receives the wireless participant live events, in any form and transmits it to the local site.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

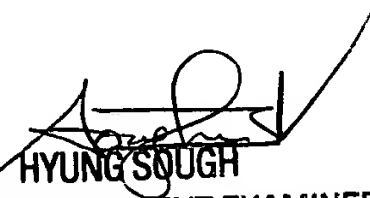
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3628